

Montana

Department of Labor and Industry

Office of Legal Services

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SENATE State Admin

Exhibit No. 3

Date 4-4-2011

Bill No. SR 25

P.O. BOX 1728
HELENA, MT 59624-1728

July 30, 2007

Arthur V. Wittich
602 Ferguson Avenue
Suite 5
Bozeman, Mt 59718

Re: John Sinrud

Mr. Wittich:

Your letter of July 26th addressed to Vicki Bair has been forwarded to me for review and response. Unfortunately you do not seem to understand the tenor of the letter sent to Mr. Sinrud with which you take some exception.

The letter from the Department makes it clear that Mr. Sinrud is being investigated to ascertain if he has been practicing architecture in the State of Montana without having first obtained from the Department a license to do so as required under the terms of 37-65-101, *et seq.* MCA. I am sure that you can agree that both the newspaper article sent to Mr. Sinrud and Mr. Sinrud's listing in the 2007 legislature's "copper book" clearly raise the question at issue. All that has been requested of Mr. Sinrud at this time is, if he desires to submit it, a response to the information contained in those publications.

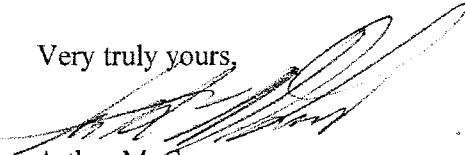
At this point the matter has been ordered investigated by the Board of Architects and will come back before the full board after the investigation is completed. At that time, the full board will consider all of the materials it has before it, including the report of investigation and any response submitted by Mr. Sinrud. After consideration of those materials the full board will decide whether or not there is probable cause to believe that Mr. Sinrud practiced architecture without a license. If such probable cause is found, the board will likely order that a Cease and Desist Order issue to Mr. Sinrud. If that order is not complied with the board may then order that its attorneys proceed to the District Court to seek an injunction against Mr. Sinrud. The board may also forward the matter to the appropriate county attorney for prosecution. See 37-1-317 and 37-65-322 MCA

As a protection to your client, and others similarly situated, unless and until there has been a

finding of probable cause all matters are considered confidential and not subject to disclosure to any one. Since your client already has a transcript of the last board meeting, there is nothing further that I can furnish to you at this time. Your concern about Mr. Sinrud's ability to defend himself before the board is unwarranted. At the board meeting, Mr. Sinrud and you, as his attorney, have the right to be present and observe the proceedings. However neither Mr. Sinrud nor you have the right to participate. The only time at which Mr. Sinrud or you may address the panel is if one of the panel members should ask you a direct question.

I hope that this clarifies the procedure being followed in this matter which is the same procedure followed in all similar matters before the Department.,

Very truly yours,

A handwritten signature in dark ink, appearing to read 'Arthur M. Gorov', written over a horizontal line.

Arthur M. Gorov
Deputy Chief Legal Counsel
Montana Department of Labor and Industry
406-841-2387